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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference .2286450/DBW/VCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).

International Application No. PCT/AU2003/000939	International Filing Date (day/month/year) 24 July 2003	Priority Date (day/month/year) 24 July 2002

International Patent Classification (IPC) or national classification and IPC

Int. Cl. [7]   H04M 3/493, 1/64, G06F 17/20, 19/00

Applicant

     TELSTRA NEW WAVE PTY LTD et al

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1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of   4   sheets, including this cover sheet.

    ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

    These annexes consist of a total of   sheet(s).

3. This report contains indications relating to the following items:

   I   ☒   Basis of the report

   II   ☐   Priority

   III   ☐   Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

   IV   ☐   Lack of unity of invention

   V   ☒   Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

   VI   ☐   Certain documents cited

   VII   ☐   Certain defects in the international application

   VIII   ☐   Certain observations on the international application

Date of submission of the demand 24 February 2004	Date of completion of the report 4 November 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer **MATTHEW HOLLINGWORTH** Telephone No. (02) 6283 2024

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Basis of the report

With regard to the elements of the international application:*

- [X] the international application as originally filed.

- [ ] the description,   pages ,   as originally filed,

       pages ,   filed with the demand,

       pages ,   received on   with the letter of

- [ ] the claims,   pages ,   as originally filed,

       pages ,   as amended (together with any statement) under Article 19,

       pages ,   filed with the demand,

       pages ,   received on   with the letter of

- [ ] the drawings,   pages ,   as originally filed,

       pages ·,   filed with the demand,

       pages ,   received on   with the letter of

- [ ] the sequence listing part of the description:

       pages ,   as originally filed

       pages ,   filed with the demand

       pages ,   received on   with the letter of

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
   These elements were available or furnished to this Authority in the following language   which is:

   - [ ] the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

   - [ ] the language of publication of the international application (under Rule 48.3(b)).

   - [ ] the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

   - [ ] contained in the international application in written form.

   - [ ] filed together with the international application in computer readable form.

   - [ ] furnished subsequently to this Authority in written form.

   - [ ] furnished subsequently to this Authority in computer readable form.

   - [ ] The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

   - [ ] The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. [ ] The amendments have resulted in the cancellation of:

   - [ ] the description,   pages

   - [ ] the claims,   Nos.

   - [ ] the drawings,   sheets/fig.

5. [ ] This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

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*   *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).*

**   *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report*

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-6, 8-13, 18-23	YES
	Claims	1-2, 7, 14-17, 24-25	NO
Inventive step (IS)	Claims		YES
	Claims	1-25	NO
Industrial applicability (IA)	Claims	1-25	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

- D1: *Voxeo Designer 2.0* web page, as archived on 5 February 2002
   http://web.archive.org/web/20020205091431/community.voxeo.com/vd2.jsp
   http://web.archive.org/web/20020401112915/community.voxeo.com/images/cxml-screenshot.gif
   http://web.archive.org/web/20020719171318/community.voxeo.com/images/workgrid-large.gif
   http://web.archive.org/web/20020401111809/community.voxeo.com/images/actions.gif
   http://web.archive.org/web/20020205091431/community.voxeo.com/images/properties-large.gif

- D2a: *Telera AppBuilder* Data Sheet, March 2002[*], as archived on 6 August 2003
   http://web.archive.org/web/20030806123232/www.telera.com/stageone/files/Telera/collateral/app_build er_3-20_hi.pdf

- D2b: *The Voice Web Application Development Environment*, Telera White Paper, August 2001
   http://www.telera.com/stageone/files/Telera/collateral/AppDev_WP_4-18-02.pdf

- D3: *Nuance V-Builder* web page, as archived on 1 February 2002
   http://web.archive.org/web/20020201161856/www.nuance.com/products/vbuilder.html

- D4: WO 00/51016 A1 (UNISYS CORPORATION), 31 August 2000

[*] The exact publication date of this document is uncertain. An archived copy of the file is first recorded on 6 August 2003, after the priority date (refer to the listed URL). However, the file's title, and creation and modification dates listed in "document properties" in Acrobat Reader, suggest that the file was published or at least prepared in March 2002, earlier than the priority date.

(Continued in Supplemental Box.)

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Supplemental Box

To be used when the space in any of the preceding boxes is not sufficient)

Continuation of Box V, Item 2

NOVELTY (N) claims 1-2, 7, 14-17, 24-25

Claims 1-2, 7, 14-17 and 24-25: These claims lack novelty when compared to each of documents D1 and D3.

Claim 25: This claim also lacks novelty when compared to either D2a or D4.

In particular, the following features of the independent claims are identified in each of the citations as follows:

- "arranging dialog elements in a tree structure, each path through said tree structure representing one of said execution paths."
    - The first screen shot in D1 illustrates a "MainMenu" dialog element connected to subsequent dialog elements "PlayMessages," "ApplicationHelp" and "LeaveMessage," thereby forming a tree structure, the branches of which represent various execution paths from the main menu.
    - Similarly, the screen shots in D2a and D3 both show a graphical representation of a menu structure in a collapsible tree format.
    - Figure 10 of D4 shows dialog elements (e.g. "greeting, "type," "rates" etc.) arranged in a simple tree structure which reflects the possible execution paths of the voice application.

    (While the illustrations may not al illustrate strict tree structures, since in some cases more than one branch leads to the same leaf node, it is implicitly understood that strict tree structures may also be created.)

- "generating said dialog elements on the basis of predetermined templates and properties of said dialog elements, said properties received from a user via said graphical user interface, each of said dialog elements corresponding to at least one voice language template."
    - In D1, the final screen shot ("The Property Editor") shows a graphical user interface by which a user edits the properties of a predetermined "menu" template. (The first screen shot also illustrates other templates).
    - Similarly, the screen shot in D3 shows the properties of an "audio" template being edited using a graphical user interface in the right hand pane. (The bottom left pane illustrates a number of other templates).

INVENTIVE STEP (IS) 1-25

Claims 1-2, 7, 14-17 and 24-25: As above.

Claims 1-2, 7, 14-17 and 24-25: Documents D2a and D2b, in combination, disclose all the features of these claims. (The combination of these documents would be obvious to a person skilled in the art, since they both describe the same product.) In particular, in D2b, the section entitled "DeVXchange AppBuilder" describes VoieXML components with configurable properties. These are seen to constitute the "predetermined templates" of the claims.

Claims 1-25: The features of these claims relate to well-known aspects of voiceXML development systems, and to other details of implementation which would be readily apparent to a person skilled in the art. When not disclosed in any one of D1-D3, they are not considered to confer inventive step to the claims in light of that citation.